

## **REMARKS**

### **A. Introduction**

Claims 1-9, 21-22, and 24-33 were pending and under consideration in the application, claims 10-20 and 23 having been previously canceled.

In the Office Action dated April 1, 2011, claims 1, 5-9, 21, and 27-33 were rejected under 35 U.S. C. §103(a) as allegedly being unpatentable over Walker, U.S. Patent Publication No. 2003/0027635 (hereinafter, "Walker") in view of Pierce, U.S. 6,332,126 (hereinafter, "Pierce").

Claims 2-4, 22, 24-26 were rejected under 35 U.S. C. §103(a) as allegedly being unpatentable over Walker in view of Pierce and further in view of Boushy, et al., U.S. 6,003,013 (hereinafter, Boushy).

Alternately, Claims 1-9, 21-22 and 24-33 were rejected under 35 U.S. C. §103(a) as allegedly being unpatentable over Boushy in view of Pierce and Walker.

In response, Applicants are hereby amending canceling claims 2 and 22 and amending the remaining claims for clarity and to incorporate subject matter previously recited in claims 2 and 22. Support for the amendment may be found, at least in paragraph 0179, 0185 and Figure 17 of the application as filed (paragraph numbers are with respect to the application as published as US Pat. Pub. 2004/0143496). No new matter is being added.

### **B. Rejections under 35 U.S.C. §103**

1. Claims 1, 5-9, 21, and 27-33 were rejected as allegedly being unpatentable over Walker in view of Pierce.

*Walker* relates to techniques for determining a recipient of an offer; and for determining an offer which includes an activity and a benefit. The techniques further provide for transmitting, to a representative, instructions to provide the offer to the recipient and determining whether the recipient has performed the activity, and if so providing the benefit to the recipient. Walker, abstract.

As acknowledged by the Office Action (page 12) Walker does not disclose determining for each of the awards a respective likelihood of acceptance and sorting the two or more awards according to the respective likelihood of acceptance. Likewise, Walker fails to disclose receiving an input from the system user, via the display device, of at least one of a first patron profile definition and an award type; assigning, responsive to the input from the system user, a profile for said first patron based at least upon portions of historical transaction information pertinent to said first patron, substantially real-time transaction activity, observed preference data, and, when the input from the system user includes a first patron profile definition, the first patron profile definition; matching two or more awards to the assigned profile, the two or more awards conforming, when the input from the system user includes an award type, to the award type, as recited in each independent claim, claims 1 and 21 as currently amended.

The Office Action asserted that Pierce discloses consumer transaction histories used to match qualified consumers to targeted merchant discount offers, where offers are automatically prioritized based on their expected value to consumers and consumers receive the highest priority offers. Whether or not the assertion is true, such disclosure fails to cure the deficiencies noted above. As a result, claims 1 and 21, and claims depending therefrom are patentable over the combination of Walker and Pierce.

2. Claims 2-4, 22, 24-26 were rejected as allegedly being unpatentable over Walker in view of Pierce and further in view of Boushy.

Claims 2-4 depend from claim 1, which is patentable over Walker in view of Pierce for the reasons given in part B.1. above. Claims 22, 24-26 depend from claim 21, which is patentable over Walker in view of Pierce for the reasons given in part B.1. above.

The Office Action asserted that Boushy disclose maintaining a patron database storing patron information relating to a plurality of patrons and historical transaction information involving said patrons, monitoring substantially current transaction activity of said plurality of patrons and storing in a current activity database. Whether or not the assertion is true, such disclosure fails to cure the deficiencies noted in part B.1. above.

As a result, claims 2-4 22, and 24-26 are patentable over the combination of Walker, Pierce, and Boushy.

3. Claims 1-9, 21-22 and 24-33 were rejected as allegedly being unpatentable over Boushy in view of Pierce and Walker.

*Boushy* relates to techniques for tracking customers' gaming and non-gaming activity across affiliated casino properties, for use in customer recognition and marketing programs, whereby customers are differentiated according to their worth to the casino. Customer information is accumulated at each affiliated casino through one or more LAN-based management systems updated to a central patron database (CPDB) that is coupled to each casino LAN through a WAN, and made available to each affiliated casino property as needed. Customer accounts are automatically activated and provided with data from the CPDB when a customer from one casino property first visits an affiliated casino property. Customer accounts are updated with status information based on the customer's worth to the casino. Customer accounts are updated with new activity data whenever a management system associated with the casino receives customer data from input devices, such as card readers, workstations, and dumb terminals, located at various venues throughout the casino. Customers are awarded points, based on their tracked activity at all affiliated casino properties. Customers also have theoretical win profiles. Customer status may be based on accumulated points or the theoretical win profile. When the customer is recognized at a gaming machine, or any location having a suitable card reader, the customer's status is determined in the customer account. For a special status customer, a physical instrumentality is activated for the benefit of the customer, such as a telephone, light, lockable cabinet, or the like. Distinguished services may also be provided once the special status customer is recognized. Boushy, abstract.

As acknowledged by the Office Action (page 20), *Boushy* fails to disclose a hand-held display device, with a first interface and a second interface on the display device, wherein said first interface comprises a visual indicator to display a location of a first patron rendered on the floor diagram of a gaming establishment wherein and said second interface displays information indicating at least one recommendation of an award to offer to the first patron, the at least one recommendation of an award resulting from generating a profile for said first patron, matching two or more awards to said profile, determining for each of the awards a likelihood of acceptance by said first patron and sorting the two or more awards according to the likelihoods of acceptance.

Neither does Boushy suggest receiving an input from the system user, via the display device, of at least one of a first patron profile definition and an award type; assigning, responsive to the input from the system user, a profile for said first patron based at least upon portions of historical transaction information pertinent to said first patron, substantially real-time transaction activity, observed preference data, and, when the input from the system user includes a first patron profile definition, the first patron profile definition; matching two or more awards to the assigned profile, the two or more awards conforming, when the input from the system user includes an award type, to the award type, as recited in each independent claim, claims 1 and 21 as currently amended.

Walker and Pierce, assuming, arguendo, the references may be properly combined with Boushy, fail to cure the above-noted deficiencies.

As a result, claims 1 and 21, and their respective dependent claims, are patentable over the combination of Boushy, Pierce, and Walker.

#### **D. Conclusion**

The claims are believed to be in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call the undersigned attorneys at (510) 663-1100.

Applicants do not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 504480 (Order No. IGT1P419BX1).

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Respectfully submitted,  
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